



Entered on Docket
September 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTY-FIRST
OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOFS OF
CLAIM FOR LACK OF
DOCUMENTATION (EXCEPT CLAIM
NO. 10725-01301 FILED BY NORMAN &
CARYN KIVEN JOINT TENANTS)**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twenty-First Omnibus Objection of the USACM
2 Liquidating Trust to Proofs of Claim for Lack of Documentation” [Docket No. 7258] (the
3 “Objection”); with appropriate notice of the Objection having been given; and good cause
4 appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained with the exception of claim number
7 10725-01301 filed by Norman & Caryn Kiven Joint Tenants.
- 8 2. The hearing on this motion as it relates to claim number 10725-01301
9 filed by Norman & Caryn Kiven joint tenants is continued to **October**
10 **19, 2009 at 3:00 p.m.** The deadline for Kiven to file a response is
11 **October 9, 2009.**
- 12 3. All other claims listed in **Exhibit A** are disallowed in their entirety.
- 13 4. Nothing in this order should prejudice the rights of USACM Trust to
14 file further objections to any portion of the claims listed on **Exhibit**
15 **A.**

16
17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ John Hinderaker (AZ 018024)

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21 John Hinderaker

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26 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ 018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

USACM Liquidating Trust
PROOFS OF CLAIM THAT LACK SUPPORTING DOCUMENTATION
TWENTY-FIRST OMNIBUS OBJECTION

Claim	Name	Address	Claim Amount
10725-01077	Souza, David A & Elizabeth M	542 Socorro CT Reno, NV 89511	12,400.00
10725-01082	Randi Fried	607 Jersey Ave #3 Jersey City, NJ 07302	-
10725-01301	Kiven Joint Tenants, Norman & Caryn	C/O Andrew J Abrams Esq, Sugar Friedberg & Felsent 30 N Lasalle St Ste 3000 Chicago, IL 60602	75,000.00
10725-01440	Wald Financial GRP INC Defined Benefit Pension	Trust 2 PO Box 307 249 Margo Way Pismo Beach, CA 93448-0307	50,538.19
10725-01446	Arnold Family Trust	Hans & Hendrika Arnold TTEES 7844 Tiburon Ct. Sparks, NV 89436	-
10725-01905	Marcia J Knox Living Trust Dtd 8/16/04	C/O Marcia J Knox Trustee 1885 Vintners Pl Reno, NV 89509-8334	75,539.24
10725-02116	Doerr Family Trust Dtd 9/12/02	Linda Patrucco Doerr Ttee 690 West Riverview CIR Reno, NV 89509-1130	659,484.08
10725-02165	Virts Revocable Living Trust	Donald E & Patrizia Virts Ttees 4381 W Hidden Valley Reno, NV 89502	760,606.00
10725-02343	Boyce 1989 Trust Dtd 6/12/89	C/O Kathleen A Boyce Trustee 3270 Piazza Circle Reno, NV 89502	-